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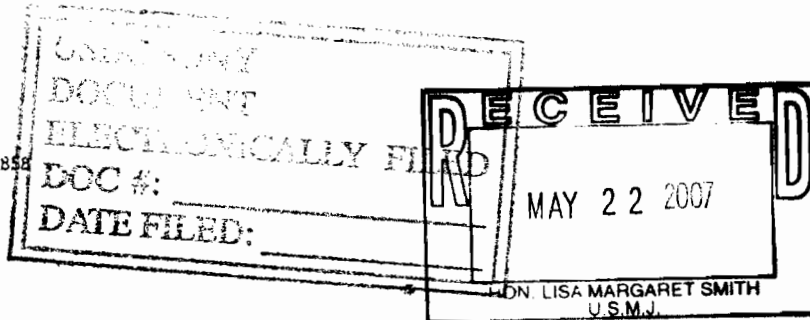
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May 22, 2007



Via Facsimile

Chief U.S. Magistrate Judge Lisa Margaret Smith
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

MEMO ENDORSED



Re: Cooper v. Thew, Larry & John, et al.
Civ No.: 04 Civ 8928
Our File No. 8535-0004

Dear Magistrate Judge Smith:

The Scheduling Order in effect in the above referenced matter requires documents to be produced and interrogatories answered by or before May 24th. We are due to appear before you on May 29th.

At an in-person meeting held in my office on May 17th, the Defendants made a settlement proposal which represents a significant step toward the potential resolution of this matter. At this time, my client is traveling up from Kentucky and she should be here on Wednesday, May 23, 2007. All parties and counsel are planning a continued in-person settlement meeting on Thursday, May 24, 2007.

I have discussed the discovery schedule with counsel for Defendants. We fully acknowledge the inflexibility of the close of discovery deadline set by Judge McMahon. Essentially, however, counsel believe that the ten (10) days currently set aside between conclusion of party depositions and conclusion of non-party depositions can be more effectively used earlier in the process to see if this matter can be resolved in the next eight to ten days. To that end, we jointly request as follows:

1. That the time to produce documents and answer interrogatories be extended one week, to May 31, 2007;
2. That the date for provision for expert information be similarly extended for one week, from May 28, 2007 to June 4, 2007;
3. That the deadline for completion of party depositions be extended ten (10) days and to terminate

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contemporaneously with the deadline for the completion of non-party depositions: to wit,
June 18, 2007.

If the above is acceptable, please "So Order" at the foot of this letter. Counsel will be available for a telephone conference at your convenience if you so desire.

Very truly yours,

McCABE & MACK LLP

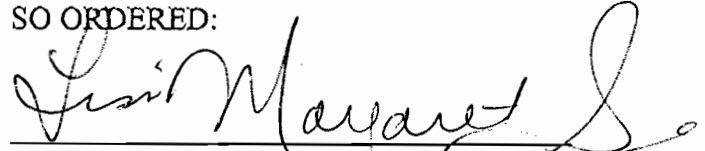


RICHARD R. DuVALL

RRD/mmc

cc: William Bagliebter, Esq. (via email)
Fred Weinstein, Esq. (via email)
Jonathan Young, Esq. (via email)
Thomas Halley, Esq. (via fax)
Melinda Thew Cooper

SO ORDERED:



Magistrate Judge Lisa Margaret Smith
US District Court, Southern District of NY